



February 15, 2024

NIRB File No.: 05MN047 & 12MN001

Ms. Kelly Gillard
Nunavut Impact Review Board
P.O. Box 1360
Cambridge Bay, NU
X0B 0C

Re: Agnico Eagle's Response to the NIRB's 2022-2023 Monitoring Report Recommendations

Dear Ms. Gillard:

Agnico Eagle thanks the Nunavut Impact Review Board for their comments and review in the 2022-2023 Monitoring Report Recommendations. Agnico Eagle has provided responses to those requiring a response within 30-days of the issuance of the Monitoring Report, in addition to some items that were flagged as non-compliance or deficient within the 2022-2023 Monitoring Report Recommendations.

Should you have any questions or require further information, please contact the undersigned at your convenience.

Regards,

Manon Turmel
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Permitting & Regulatory Affairs Superintendent

Responses within 30-days of 2022-2023 NIRB Monitoring Report

Interested Party:	NIRB	Rec No.:	NIRB-5d
Re:	Project Certificate No 009- Monitoring Officers Recommendations - T&C 32		

Request Made by NIRB:

The Monitoring Officers request a summary of vessels strike within 30 days of receiving this report as information could not be located in the 2022 Annual Report. The NIRB requests the information in the 2023 Annual Report and all future annual reports.

Agnico Eagle's Response to Request:

Agnico Eagle confirms that no ship strikes occurred in 2022. Details on marine shipping were provided in Appendix D-3 of the 2022 Annual Report; more specifically, Section 3.12.2.3 which states no incidents, interactions, or mortalities with marine mammals were recorded in 2022.

The information for 2023 will continue to be reported in the Wildlife Mitigation and Monitoring Program Compliance Report for the 2023 annual report submission.

Interested Party:	NIRB	Rec No.:	NIRB-5e
Re:	Project Certificate No 009- Monitoring Officers Recommendations - T&C 34		

Request Made by NIRB:

Agnico Eagle is cross-referencing Memorandums of Understanding (MOUs) that it has in place in the Kivalliq Region with the Government of Nunavut (GN), but it is not clear how the MOUs would be applicable in the Kitikmeot Region. Can Agnico Eagle and the GN clarify what MOUs with which GN department that it has in place in the Kivalliq Region that may be used instead of stand alone plans in the Kitikmeot Region within 30 days of receipt of this report.

Agnico Eagle's Response to Request:

On February 8, 2024, the Memorandum of Understanding was officially signed with the Government of Nunavut, and it came into effect on the same date.

Interested Party:	NIRB	Rec No.:	NIRB-6
Re:	Shipping Management Plan Development		

Request Made by NIRB:

The NIRB notes that in response to DFO #4 Agnico Eagle stated that the Shipping Management Plan was developed with third party experts and the NIRB's process. The NIRB requests clarification regarding how Inuit Qaujimajatuqangit was incorporated into the Plan within 30 days of receipt of this report.

Agnico Eagle's Response to Request:

The Shipping Management Plan incorporated Inuit Qaujimajatuqangit (IQ) at the time of development, primarily through the NTKP (2016) Traditional Knowledge report for the Hope Bay Project, as well as via information from the Final Environmental Impact Statement (FEIS; Vol 5 Sec 11 Marine Wildlife, TMAC Resources Inc. 2017).

The NTKP Traditional Knowledge report Section 8.1 includes accounts of breeding and migration areas for seabirds and waterfowl (eiders, geese and swans, loons and ducks, shorebirds, gulls and jaegers, and nesting sites). Specifically, areas in Bathurst Inlet were identified as important seabird habitat. This information corroborated the Key Marine Habitat data from Environment and Climate Change Canada and contributed to mitigating potential effects to seabirds in this area due to shipping activity, reflected in Sections 2.1 and 2.2 of the Shipping Management Plan.

For marine mammals, Section 9 of the NTKP Traditional Knowledge report provided expected species presence and distribution through Bathurst Inlet, for example verifying that this area is not known to commonly support whales but has an abundance of ringed seals. This information also contributed to verifying the sensitive areas and mitigations for marine mammals in Section 2 of the Shipping Management Plan. Baseline data collected for the Phase 2 FEIS, including documentation of important habitat features for seabirds and marine mammals (ringed seals), was done with guidance from local IQ and data collection was conducted with local assistance (see Vol 5 Sec 11.1, TMAC Resources Inc. 2017). These data and results of the FEIS predictions also informed the mitigations and approach for the Shipping Management Plan (i.e., Sections 2 and 3).

References:

Naonaiyaotit Traditional Knowledge Project (NKTTP). 2016. Inuit Traditional Knowledge for TMAC Resources Inc. Proposed Hope Bay Project. Final Report; January 2016.

TMAC Resources Inc. 2017. Final Environmental Impact Statement Hope Bay Project, Volume 5 Section 11: Marine Wildlife.

Responses to NIRB Compliance Assessment

PROJECT CERTIFICATE NO. 003

Term and Condition	Commitment	NIRB Comment	NIRB Compliance Assessment	Response
49		Cooperation with GN/Nunavut Housing Surveys. Agnico Eagle reported that the Nunavut Housing Corporation did not develop a housing survey in 2022, therefore Agnico Eagle could not provide surveys to employees. The GN did not comment and therefore NIRB has no information regarding the status of this T&C, therefore it is rated Deficient in Progress.	Deficient - In Progress	Agnico Eagle is of the opinion that we should not be held as deficient as we are not aware of any survey. Respectfully, the GN should provide an update on the status of the commitment before a report is finalized by the NIRB, and the GN should provide this information to the NIRB and Agnico Eagle.
	8 (Grizzly Bear)	Agnico Eagle should provide documentation specific to the commitment to designate contained areas for worker lunch and coffee breaks (e.g., Site maps and policies stating that eating and drinking should be done in these areas.)	Active Deficient	Agnico Eagle refers the NIRB to the Wildlife Mitigation and Monitoring Plan (NIRB ID: 344536), Section 2.1, which states the policies and management actions that are undertaken by all employees and personnel site, such as: bear awareness training, education related to the dangers of improper food waste disposal, no feeding policy, no littering policy, etc.

PROJECT CERTIFICATE NO. 009

Term and Condition	Commitment	NIRB Comment	NIRB Compliance Assessment	Response
9		Thermal monitoring is addressed within the Hope Bay Project Groundwater Management Plan (Agnico Eagle, 2022), NIRB ID No: 342595. Note: Agnico Eagle is referencing reports that are found on other Regulatory Authority websites which does not meet the requirements of the Project Certificate. If the Proponent is going to refer to a document not included with the annual report, at a minimum the Proponent should provide a summary of the materials or otherwise submit the material to the NIRB for inclusion on the Public Registry. Further, Agnico Eagle is responsible for operating its own webpage/portal where all non-confidential information regarding the files is kept including the 2022 Annual Report for the NIRB and the NWB.	Active Deficient – In progress	In its 2022 Annual Report to the NIRB (pg. 6-57) Agnico Eagle referenced the 2022 TIA Annual Geotechnical Inspection Report. This document is available on the NWB registry; however, the NIRB has indicated it should be provided on the NIRB portal as well. Agnico Eagle is providing it to the NIRB.
38		Agnico Eagle continues to collaborate with the Government of Nunavut (Department of Education, Department of Family Services and Nunavut Arctic College) on education and training matters. TMAC worked with KIA to develop a Memorandum of Understanding with the Government of Nunavut; however, signing of the agreement did not happen due to COVID. Agnico Eagle is considering whether it will sign this MOU or include Hope Bay under its existing MOU in place since 2017.	Active Deficient - In Progress	Agnico Eagle refers the NIRB to the response provided in the section above “Responses within 30 days” NIRB-5e.
44		The Monitoring Officers request an update on consultation with outfitters and other businesses now that COVID-19 restrictions were reduced and an updated Engagement Plan reflecting Agnico Eagle’s current status of Temporary Care and Maintenance. The NIRB requests the information in the 2023 Annual Report and all future annual reports.	Active Deficient - In progress	Collaboration with outfitters is ongoing throughout the year. For example, outfitters reach out to Agnico Eagle often to request use at camp or to fuel snowmachines. This dialog is open and frequent with outfitters. In addition, Agnico Eagle meets with two outfitting groups every year.

Term and Condition	Commitment	NIRB Comment	NIRB Compliance Assessment	Response
	83	Agnico Eagle noted the commitment and stated that TMAC responded to a draft Nunavut Housing Corporation survey of mine workers that was being proposed to be delivered to Baffinland and Agnico Eagle employees, and eventually at Hope Bay in May 2019. No feedback was received from survey comments. However, Agnico Eagle remains committed to administering a housing status survey to its Nunavummiut employees, should one be developed. The NIRB requests information from GN on this commitment	Active Non-compliance	Agnico Eagle is of the opinion that we should not be held in non-compliance as we are not aware of any survey. Respectfully, the GN should provide an update on the status of the commitment before a report is finalized by the NIRB, and the GN should provide this information to the NIRB and Agnico Eagle.
	NIRB No 22 (DFO-3.2.2)	DFO requested information regarding the marine monitoring of the Project and the Proponent responded. The NIRB requests information from DFO regarding the Proponent's response on this commitment.	Active Deficient – In progress	Agnico Eagle is of the opinion that we should not be held as deficient when the NIRB is awaiting response by DFO.
	NIRB No 66 (TC-4.1.1)	Agnico Eagle noted the commitment that TMAC will comply with the regulations under the Canadian Aviation Regulations under Subpart 7 (307.01). The NIRB requests information from TC on this commitment.	Active Deficient – In progress	Agnico Eagle is of the opinion that we should not be held as deficient when the NIRB is awaiting response by TC.
	NIRB No 70 (GN-03)	Agnico Eagle maintains communications with the GN Kitikmeot Public Health Officials and the Nunavut Chief Public Health Officer regarding reportable diseases. Agnico Eagle noted TMAC's March 2020 COVID-19 plans and the measures it took to assist with the prevention and transmission of the disease. In addition, TMAC isolated operations from the Kitikmeot communities by ceasing Northern Crew Changes and restricting the land site visitation to emergencies only. The plan was amended when required; however, in October 2021 an outbreak occurred. The outbreak was addressed with the guidance and direction of the Nunavut Chief Public Health Officer. The NIRB requests information from GN on this commitment.	Active Deficient – In progress	Agnico Eagle is of the opinion that we should not be held as deficient when the NIRB is awaiting response by the GN.

Term and Condition	Commitment	NIRB Comment	NIRB Compliance Assessment	Response
	NIRB No 71 (GN-03)	Agnico Eagle noted it informs workers of health services available on site via the site orientation and follow-up with safety presentations. The NIRB requests information from the GN on this commitment.	Active Deficient – In progress	Agnico Eagle is of the opinion that we should not be held as deficient when the NIRB is awaiting response by the GN.
	NIRB No 72 (GN-03)	Agnico Eagle indicated prior to March 2020, communications between TMAC and the GN department of Health was limited to determining "fitness to work" for employees. In March and thereafter, TMAC engaged with the GN Department of Health to develop and implement an Infectious Disease Control Plan at Hope Bay focussed on preventing the transmission and spread of the COVID 19 virus at the mine site. TMAC worked closely with Departmental officials on documenting disease prevention measures, determining the need for COVID-19 testing on site, identifying the appropriate testing equipment and methods, responding to the 2020 Hope Bay COVID-19 outbreak, and considering future protocols that may allow Nunavut workers to return to work. In 2021, Agnico Eagle continued the isolation of Hope Bay facilities from the rest of the Kitikmeot Region initiated in 2020. Given there was no contact between site and the Kitikmeot during the year, the project did not draw on any Nunavut public health, social services facilities, programs, and services. Agnico Eagle did report an outbreak of COVID 19 at Hope Bay in September and October of 2021. Given that there was limited contact between site and the Kitikmeot during 2022, the project did not draw on any Nunavut public health, social services facilities, programs, and services.	Active Deficient - In progress	Agnico Eagle is unclear on what the remaining issue is based on the NIRB's assessment comments; however, Agnico Eagle considers the commitment to be in compliance as discussions and dialogue continue with the GN with respect to public health issues, when applicable. Further, as per other responses in this memo an MOU was on February 8, 2024.